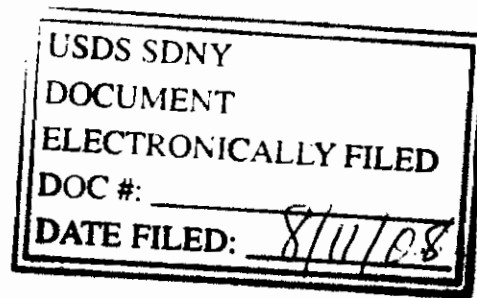


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-----X
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
INDEMNITY INSURANCE COMPANY
OF NORTH AMERICA,

Plaintiff,

- against -

BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY; BNSF RAILWAY
CO.; MAERSK LINE; AP MOLLER-MAERSK
A/S MAERSK SEALAND;

Defendants.

: 07 Civ. 7858 (JCF)

: **STIPULATION & ORDER**
: **OF DISCONTINUANCE**

-----X
A settlement agreement having been reached, it is hereby stipulated and agreed that this action, including all cross-claims, is discontinued as to all parties pursuant to Rule 41 (a) (1)(ii) and (c) Federal Rules of Civil Procedure, with prejudice but with each party to pay its own costs and attorney fees.

It is further stipulated and agreed that, if the settlement funds are not paid within sixty (60) days of the entry of this order, this action will be restored to the active docket of the Court upon letter application of plaintiff's counsel.

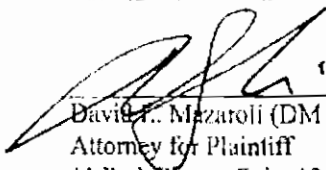
Dated: New York, New York
August 8, 2008

SO ORDERED:

UNITED STATES DISTRICT JUDGE
Magistrate

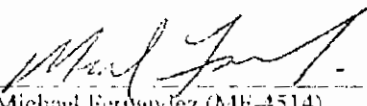
07 Civ. 7858 (JCF)
Stipulation & Order of Discontinuance
Page 2

LAW OFFICES,
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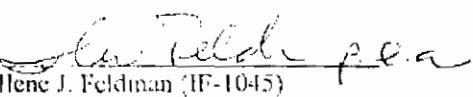


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